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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) No. 4-05-70138 WDB  
14 Plaintiff, )  
15 v. ) STIPULATION AND ORDER FOR  
16 ARTUR ROBER ROGOWICZ, ) CONTINUANCE, EXTENSION OF TIME  
17 Defendant. ) TO CONDUCT PRELIMINARY  
18 \_\_\_\_\_ ) HEARING UPON DEFENDANT'S  
19 Plaintiff United States of America, by and through its counsel of record Assistant United  
20 States Attorney Deborah R. Douglas, and defendant Artur Rober Rogowicz ("defendant"), by and  
21 through his counsel of record Alan A. Dressler, Esq., hereby stipulate as follows:

22 1. On February 25, 2005, an arrest warrant was issued based upon a criminal complaint  
23 charging defendant with knowingly distributing MDMA (ecstasy), in violation of 21 U.S.C.  
24 § 841(a)(1). On March 5, 2009, defendant was initially presented on the criminal complaint, and  
25 time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., was excluded from March 5, 2009  
26 through March 10, 2009. On March 10, 2009, the parties agreed that defendant should be released  
27 on a \$150,000 bond signed by a surety. Defendant waived the timing of the preliminary hearing  
28 and agreed to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., from

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1 March 10, 2009 through April 21, 2009. With defendant's consent and upon a showing of good  
2 cause, this Court extended the time limit for a preliminary hearing under Rule 5.1(d) and excluded  
3 time under the Speedy Trial Act from March 10, 2009 through April 21, 2009.

4 2. By order dated April 20, 2009, this Court approved the parties' stipulation to  
5 continue this matter to May 26, 2009, and excluded time from April 21, 2009 through May 26,  
6 2009 under the Speedy Trial Act. The timing of a preliminary hearing or arraignment on an  
7 information or indictment was also waived.

8 3. The parties stipulate and request that this matter be continued for one week from  
9 Tuesday, May 26, 2009, to Tuesday, June 2, 2009, at 10 a.m. Defendant's attorney, Alan A.  
10 Dressler, is not currently available to appear in magistrate court on May 26, 2009. In addition,  
11 the requested one-week continuance will allow the parties to further explore the factual and legal  
12 issues in this case and any interest of justice factors that may be considered in resolving this matter  
13 without the necessity of a preliminary hearing or indictment. The parties believe that the granting  
14 of additional time as requested will expedite the resolution of this matter, conserve judicial  
15 resources, and benefit both the defendant and the government in reaching a fair and appropriate  
16 disposition of this case.

17 4. For the foregoing reasons, the parties stipulate and agree that good cause exists to  
18 extend the time limit for conducting a preliminary hearing or arraignment on an indictment or  
19 information from May 26, 2009 to June 2, 2009 under Rule 5.1(d) of the Rules of Criminal  
20 Procedure. The parties therefore stipulate and agree that the time from May 26, 2009 through  
21 June 2, 2009 should be excluded in computing the time within which an information or indictment  
22 must be filed pursuant to 18 U.S.C. §§ 3161(b) and (h). The parties further agree that the ends of  
23 justice served by the continuance requested outweigh the best interests of the public and the  
24 defendant in a speedy trial because the failure to grant such a continuance would unreasonably deny  
25 the defendant continuity of counsel and adequate time to prepare, taking into account the exercise  
26 of

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28 STIPULATION AND ORDER

1 due diligence, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties  
2 therefore stipulate and agree that the time from May 26, 2009 through June 2, 2009 should be  
3 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

4

5 Dated: May 22, 2009

6 \_\_\_\_\_ /s/  
7 DEBORAH R. DOUGLAS  
8 Assistant United States Attorney

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10 Dated: May 22, 2009

11 \_\_\_\_\_ /s/  
12 ALAN A. DRESSLER, Esq.  
13 Attorney for Defendant

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STIPULATION AND ORDER

## ORDER

With the defendant's consent and upon a showing of GOOD CAUSE as set forth in the stipulation of the parties above in *United States v. Artur Rober Rogowicz*, CR05-70138 WDB, taking into account the public interest in the prompt disposition of this matter, the Court hereby extends the time limit for conducting a preliminary hearing from May 26, 2009 to June 2, 2009 at 10 a.m., pursuant to Rule 5.1(d) of the Rules of Criminal Procedure. This Court further finds that the ends of justice served by granting of the requested continuance to June 2, 2009 outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to grant the requested continuance would deny defendant continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT this matter, currently scheduled for May 26, 2009, shall be continued to June 2, 2009 at 10 a.m. for a preliminary hearing or arraignment on an information or indictment, and that the time from May 26, 2009 through June 2, 2009 shall be excluded in computing the time within which an information or an indictment must be filed pursuant to 18 U.S.C. §§ 3161(b) and (h). IT IS FURTHER ORDERED that the time from May 26, 2009 through June 2, 2009 shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: May 22, 2009

Wayne D. Brazil  
HONORABLE WAYNE D. BRAZIL  
United States Magistrate Judge

## STIPULATION AND ORDER